

**REMARKS**

This is in full and timely response to the Decision on Appeal mailed on March 9, 2012.

Support for the claims may be found variously throughout the specification. *No new matter has been added.*

Reexamination in light of the following remarks is respectfully requested.

**Decision on Appeal**

**i. The Board of Patent Appeals and Interferences (“the Board”) reversed the rejection of the Examiner as follows:**

The Board reversed the rejection of claims 1, 10, 17 and 21 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Board reversed the rejection of claims 1-4, 6, 8-9, 11-13, 16-17, and 19-22 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2002/0161589 (Strandberg) in view of US Patent No. 5,983,196 (Wendkos).

The Board reversed the rejection of claims 8 and 9 under 35 U.S.C. §103 as allegedly being unpatentable over U.S. Patent Application Publication No. 2002/0161589 (Strandberg) in view of US Patent No. 5,983,196 (Wendkos) and further in view of US Patent No. 6,024,641 (Sarmo).

The Board reversed the rejection of claim 23-26 under 35 U.S.C. §103 as allegedly being unpatentable over U.S. Patent Application Publication No. 2002/0161589 (Strandberg) in view of US Patent No. 5,983,196 (Wendkos) and further in view of US Patent No. 6,193,605 (Libby).

**ii. The Board sustained the rejection of the Examiner as follows:**

The Board has sustained the rejection of claims 10 and 18 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2002/0161589 (Strandberg) in view of US Patent No. 5,983,196 (Wendkos).

**Claim Amendments**

**iii. Cancellation of claims 10 and 18:**

U.S. Patent practice and procedures pursuant to 37 C.F.R. §1.198 dictate that:

When a decision by the Board of Patent Appeals and Interferences on appeal has become final for judicial review, prosecution of the proceeding before the primary examiner will not be reopened or reconsidered by the primary examiner except under the provisions of § 1.114 or § 41.50 of this title without the written authority of the Director, and then only for the consideration of matters not already adjudicated, sufficient cause being shown.

Accordingly, this Amendment includes the cancellation of claims 10 and 18.

Claim 11 was previously dependent upon claim 10. Accordingly, claim 11 has been placed into independent form.

Allowance of the claims is respectfully requested.

**Conclusion**

This response is believed to be a complete response to the Office Action.

Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance.

Accordingly, favorable reexamination and reconsideration of the application in light of the remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

Dated: April 3, 2012

Respectfully submitted,

By 

Brian K. Dutton

Registration No.: 47,255

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 23353

Attorney for Applicant